

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**I. AFFIANT AND EXPERTISE**

1. Your affiant, Special Agent James A. Nugent, after being duly sworn, states as follows:

2. Your affiant is an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18.

3. This Affidavit is submitted in support of probable cause for a Criminal Complaint alleging that Sean Reidpath SULLIVAN unlawfully imported a firearm into the United States in violation of 18 U.S.C. § 922(l), and 18 U.S.C. § 545. The maximum penalties for violation of 18 U.S.C. § 922(l) and 18 U.S.C. § 545 are imprisonment of five years and twenty years, respectively, with fines of \$250,000 and terms of supervised release of not more than three years for both offenses.

4. A violation of 18 U.S.C. § 922(l), the unlawful importation of a firearm into the United States, requires that a person knowingly and unlawfully imported a firearm into the United States, without authorization or permission of the Attorney General of the United States, or his/her designee.

5. A violation of 18 U.S.C. § 545, the unlawful smuggling of goods into the United States, requires that a person knowingly and fraudulently imported merchandise into the United States contrary to law, said law being statutes and regulations relating to the importation of firearms.

6. Your affiant has been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since June, 2018. Your affiant has attended the Federal Law Enforcement Training Center Criminal Investigation Training Program, and the ATF Academy's Special Agent Basic Training Program, both located in Glynco, Georgia, for a combined period of twenty-seven weeks. Your affiant has received extensive formal, and on-the-job training in the provisions of the Federal Firearms Laws administered under Title 18 and Title 26 of the United States Code. Your affiant is currently assigned to the Baltimore Field Division, Baltimore Group III, which investigates violations of federal firearms laws, violent crimes, and armed narcotic trafficking. Your affiant has participated in numerous investigations focusing on controlled dangerous substance (CDS) trafficking, gangs, and illegal firearms. Your affiant has conducted covert surveillance of CDS traffickers and firearms traffickers; interviewed numerous individuals involved in gangs, the CDS trafficking trade, and the illegal firearms trade; participated in the execution of numerous state and federal search and arrest warrants involving CDS traffickers, firearm traffickers, felons in possession of firearms, and violent offenders; and participated in the seizure of firearms and CDS.

7. This Affidavit is made for the limited purpose of establishing probable cause in support of a Criminal Complaint alleging that Sean Reidpath SULLIVAN unlawfully imported a firearm into the United States in violation of 18 U.S.C. § 922(l), and 18 U.S.C. § 545. Because this Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit.

8. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement

officers; (c) Federal Firearms Licensee (FFL) documents, firearms import documents, and firearms export documents held by the ATF; and (d) the training and experience of myself and other law enforcement agents and officers involved in the investigation.

9. Based on my personal participation in this investigation, as well as reports made to me by other investigators, I am familiar with the facts and circumstances of this investigation.

10. I have not included all of the information relevant to the investigation in this affidavit, but I do not believe that I have omitted any information that would have a tendency to defeat a showing of probable cause. To the best of my knowledge and belief, all statements made in this affidavit are true and correct.

II. PROBABLE CAUSE

11. Trident LLC, is an international company that represents that it provides firearms and security products to military and law enforcement agencies in the United States and abroad. Trident LLC is owned and operated by Sean R. SULLIVAN¹, and is located at his residence in Gambrills, Maryland.

12. On or about July 11, 2018, the ATF approved a Form 6² for Trident Rifles LLC, as permit #2018-04010, which was good for two years from the date of approval. This permit granted Trident Rifles LLC, authorization to import twelve (12), Short Barreled Rifles (SBRs) for law enforcement demonstrations.³ The permit allowed the importation of two (2) Heckler and Koch (HK) G28 Short Barreled Rifles (SBR), and two (2) HK MR308 SBRs. These rifles

¹ Sean R. SULLIVAN is the owner of Trident LLC, and has been in business since 2014. SULLIVAN is a Federal Firearms Licensee (FFL) and currently holds a Type 1 (dealer in firearms) as a sole proprietor, while Trident LLC holds a Type 7 (manufacturer of firearms), and Type 11 (importer of destructive devices) license which has SULLIVAN listed as a responsible person on the license.

² ATF Form 6 is the application and permit for the importation of firearms, and is used to apply to permanently import firearms. The approved application serves as the permit to import the articles described on the form.

³ Importation of SBRs are regulated under the National Firearms Act (NFA), and are only permissible for the demonstration and sale to law enforcement or military agencies, and for testing/research purposes.

would have been impermissible to import, but for the law enforcement exemption, because, according to an ATF Firearm Enforcement Officer, a HK MR 308 rifle does not meet the Sporting criteria outlined by the ATF, which regulates what firearms can be legally imported into the United States. Trident LLC used the law enforcement use exemption to fulfill a request from Vickers Tactical, a North Carolina company, which requested the firearms for a demonstration for the Ray, North Dakota, Police Department.

**Application and Permit for Importation of
Firearms, Ammunition and Implements of War**

Not for use by Members of the United States Armed Forces.

For ATF Use Only

Permit No. (Valid for 12 months from the date appearing in Item 19 below.) NPI
No. 201804010

For Applicant's Optional Use

Internal Control/Reference #
HK SBR DEMO

E-mail Address (Optional)
SEAN@TRIDENTRIFLES.COM

Section I - Application (Submit in triplicate) - For Applicant Use

1. Federal Firearms License (If Any)	2. Telephone No. (Including Extension No.)	3. Country of Exportation
License No. (F-XX-XXX-XX-XXXX) 8-52-003-11-9E-12558	(716) 538-4448	SWITZERLAND

4. Name and Address of Customs Broker (Including Zip Code)

5. Applicant's Name and Address (Including Zip Code)

TRIDENT RIFLES LLC
1305 NAPA CT
SEVERN, MD 21144, UNITED STATES

Check here if permit is to be returned to Customs Broker.

Check here if permit is to be returned to applicant.

6. Name and Address of Foreign Seller, if any

B&T AG
PO BOX 174
THUN 3608, SWITZERLAND

7. Name and Address of Foreign Shipper

B&T AG
PO BOX 174
THUN 3608, SWITZERLAND

8. Description of Firearms and Ammunition (For firearms, enter (SG)-Shotgun; (R)-Rifle; (P)-Pistol; (RE)-Revolver; (DD)-Destructive Device; (MG)-Machinegun)

Name and Address of Manufacturer a.	Type (Frame, Receiver, SG, RL, PL, RE, DD, MG) b.	Caliber Gauge or Size c.	Quantity (Each type) d.	Unit Cost (U.S. Currency) e.	U.S. Munitions Import List Category f.	Model g.	Length of Barrel (Inches) h.	Overall Length (Inches) i.	Serial No. j.	New (N) or Used (U) k.	
Firearms SEE ADDITIONAL SHEETS											
<input type="checkbox"/> See Attachment											
Implements of War <input type="checkbox"/> See Attachment											
Ammunition <input type="checkbox"/> See Attachment	(Ball Wad-cutter, Shot, AP, Tracer) (Rounds)										

Description

9. Certification of Origin. The items sought for importation in block 8:

a. Do not contain parts or components produced by or for the U.S. military and do not contain parts or components manufactured with U.S. military technical data or assistance.

b. Contain parts or components produced by or for the U.S. military or parts or components manufactured with U.S. military technical data or assistance.

c. Contain parts or components produced by or for the U.S. military or components manufactured with U.S. technical data or assistance that were sold abroad pursuant to a Direct Commercial Sale licensed by the Department of State.

10. Specific Purpose of Importation, including Final Recipient, If Known (Use additional sheets, if necessary)

DEALER SALES SAMPLE LETTER

11. Are You Registered as an Importer Pursuant to The Arms Export Control Act of 1976	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	12. If "Yes," Give Importer's Registration No. and Expiration Date (A-XX-XXX-XXXX)
			A-94-108-0518, 05/18/2024

Under the penalties provided by law, I declare that I have examined this application, including the documents submitted in support of it, and, to the best of my knowledge and belief, it is true, correct, and complete.

13. Name of Applicant (Printed)	14. Signature of Applicant DIGITALLY SIGNED	15. Title	16. Date
SEAN R SULLIVAN			06/29/2018

Section II - For ATF Use Only (Please make no entries in this section) **SEE ATTACHED PAGE FOR RESTRICTIONS**

17. The Application Has Been Examined and the Importation of the Firearms, Ammunition, and Implements of War Described Herein is:

Approved <input checked="" type="checkbox"/>	Disapproved for the Reason Indicated <input type="checkbox"/>	Returned Without Action for Additional Information <input type="checkbox"/>
Partially Approved for the Reason Indicated Here or on Attached Letter <input type="checkbox"/>	Here or on Attached Letter <input type="checkbox"/>	Information <input type="checkbox"/>
	Withdrawn By Applicant Without Action <input type="checkbox"/>	No Permit Required <input type="checkbox"/>

18. Signature of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

Sean R. Sullivan
Imports Branch Chief

19. Date

07/11/2018

Indicated Here or on Attached Letter	<input type="checkbox"/>	Withdrawn By Applicant Without Action	<input type="checkbox"/>	No Permit Required	<input type="checkbox"/>
18. Signature of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives <i>William D. Hayes</i>				19. Date	<input type="checkbox"/>
				07/11/2018	ATF Form 6 - Part 1 (5330.3A) Revised August 2011

Firearms (Continued)

Permit Number: 201804010

Internal Control Number: HK SBR DEMO

Name and Address of Manufacturer a	Type (SG, RL, PI, RE, DD, MG) b	Caliber Gauge or Size c	Quantity (Each type) d	Unit Cost e	US Munitions List Category f	Model (Mfrs) Design g	Length of Barrel h	Overall Length (Inches) i	Serial No. j	New (N) or Used (U) k
HECKLER AND KOCH GERMANY	SBR	5.56 MM	Requested: 2, Granted: 2	0	I(A)	MR223A3	11	31.7		N
HECKLER AND KOCH GERMANY	SBR	5.56 MM	Requested: 2, Granted: 2	0	I(A)	MR223F-C	11	31.7		N
HECKLER AND KOCH GERMANY	SBR	5.56 MM	Requested: 2, Granted: 2	0	I(A)	MR223F-S	14.5	34.7		N
HECKLER AND KOCH GERMANY	SBR	7.62 MM	Requested: 2, Granted: 2	0	I(A)	MR308A3	13	35.2		N
HECKLER AND KOCH GERMANY	SBR	7.62 MM	Requested: 2, Granted: 2	0	I(A)	G28	13.5	42.5		N
HECKLER AND KOCH GERMANY	SBR	7.62 MM	Requested: 2, Granted: 2	0	I(A)	G28Z	13.5	40		N

13. On or about June 27, 2018, prior to Trident LLC's submission of the Form 6 – permit #2018-04010, Vickers Tactical of North Carolina, on behalf of the Ray, North Dakota, Police Department, through an official Law Enforcement request from the City of Ray Police Department, requested that SULLIVAN import twelve Short Barreled Rifles (SBRs). The request included two (2) each of six (6) different Heckler and Koch firearm models. The Ray, North Dakota Police Department, consists of only one sworn officer, and the importation of more

than one make and model of firearm, let alone twelve guns in total, is unusual for such a small department.⁴



City of Ray Police Department

101 Main Street
Post Office Box 67
Ray, North Dakota 58849-0067
Telephone: 701-568-2200 *** Fax: 701-568-2201
Email: raypd@nccray.net

6/20/2018

ATTN:
MR. LARRY VICKERS
VICKERS TACTICAL INC.
8407 SKYE LOCHS DRIVE, WAXHAW NC 28173

To Whom It May Concern:

The *RAY POLICE DEPARTMENT* is requesting a demonstration of the following select-fire/automatic weapons for possible future purchase and use of our officers in the performance of their official duties.

2 x Heckler and Koch, MR223A3, Cal. 5.56mm, Short Barreled Rifle
2 x Heckler and Koch, MR223F-C, Cal. 5.56mm, Short Barreled Rifle
2 x Heckler and Koch, MR223F-S, Cal. 5.56mm, Short Barreled Rifle
2 x Heckler and Koch, MR308A3, Cal. 7.62mm, Short Barreled Rifle
2 x Heckler and Koch, G28, Cal. 7.62mm, Short Barreled Rifle
2 x Heckler and Koch, G28Z, Cal. 7.62mm, Short Barreled Rifle

The number of sworn full time officers in the *RAY POLICE DEPARTMENT* is (1). These officers are authorized by law to make arrests and carry firearms in the performance of their official duties.

The firearms requested for demonstration is particularly suitable for use as a law enforcement weapons. The weapons requested are particularly suitable for law enforcement responses to active shooter situations which may occur in our jurisdiction.

Please direct all questions to CHIEF JAMES T SAWYER at raypd@nccray.net or (701) 568-2200.

⁴ Investigators are in the process of tracing all firearms imported under the License granted Trident LLC to determine if firearms were diverted from the purpose stated in the license application, which limited use/sale of the firearms to law enforcement training or for demonstration.

June 27, 2018

VICKERS TACTICAL INC.
5922 Weddington Road
Suite 5A - PMB 158
Wesley Chapel NC 28104

Mr. Sean Sullivan
Trident Rifles, LLC
PMB #198
1121 Annapolis Rd
Odenton MD 21113

Dear Mr. Sullivan;

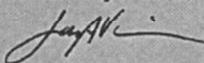
Attached is a purchase order for:

2 x Heckler & Koch, MR223A3, Cal. 5.56mm, short barreled rifle
2 x Heckler & Koch, MR223F-C, Cal. 5.56mm, short barreled rifle
2 x Heckler & Koch, MR223F-S, Cal. 5.56mm, short barreled rifle
2 x Heckler & Koch, MR308A3, Cal. 7.62mm, short barreled rifle
2 x Heckler & Koch, G28, Cal. 7.62mm, short barreled rifle
2 x Heckler & Koch, G28Z, Cal. 7.62mm, short barreled rifle

The firearm(s) will be used by Vickers Tactical, Inc. in a demonstration of the firearms to the Ray Police Department. Attached is the letter from the Ray Police Department dated June 20, 2018 requesting the demonstration.

The firearm is particularly suitable for use as a law enforcement weapon for the department when responding to active shooter situations in their jurisdiction. The firearm is currently in production by Heckler & Koch, so quantities of the firearms are readily available to fill any subsequent orders for the firearms from Ray Police Department.

Sincerely Yours,



Larry Vickers - owner/president Vickers Tactical, Inc.

14. In or about March of 2019, SULLIVAN filed a Form 6a⁵, documenting that he had imported eight (8) of the allotted twelve (12) SBRs sanctioned under permit #2018-04010. These eight (8) SBRs imported, included two (2) HK MR308 SBRs, thus meeting his limit to import HK MR308 rifles against Permit #2018-04010. The HK MR308 rifles discharge a 7.62mm round, and are identified in the Form 6a as MR308A3; 7.62MM.

⁵ ATF Form 6a is used to obtain a release of firearms from the Customs and Border Protection, either from a Foreign Trade Zone or a Customs Bonded Warehouse, and to notify the ATF of the actual importation of firearms which were imported pursuant to an approved ATF Form 6.

**Release and Receipt of Imported Firearms,
Ammunition and Implements of War**

(See Instructions on Back)

Section I - Importation Information (Use a separate ATF Form 6A (5330.3C) to describe articles imported under each permit. Also, use a separate form for each shipment under the same permit.)

1. Name and Address of Importer TRIDENT RIFLES LLC 2006 HUNTWOOD DR GAMBRILLS, MD 21054, UNITED STATES	2. Name and Address of Foreign Seller B&T AG PO BOX 174 THUN 3608, SWITZERLAND
4. Federal License No. and/or AECA No. (If any) 852-003-11-9E-12558; A-69-143-0518	5. Expiration Dates 05/01/2019; 05/18/2019
6. Import Permit No. (When importation authorized by permit) (Required) 201804010	7. Telephone No. (716) 534-4448
8. Gross Value of Shipment (In U.S. dollars)	
9. Shipment of Firearms, Ammunition and/or Implements of War (For firearms, enter (SG)-Shotgun; (RJ)-Rifle; (RE)-Revolver; (DD)-Destructive Device; (MG)- Machinegun; (SI) Silencer; Frame or Receiver)	

Name of Manufacturer a	Number and Kind of Packages b	Type c	Caliber Gauge or Size d	Quantity (Each type) e	U.S. Munitions Import List Category f	Model g	Serial No. h
SEE ADDITIONAL SHEETS	See overflow page for number and kind of packages						
Firearms							
Implements of War							
Ammunition		<i>(Ball Incendiary, Wadcutter, Shot, AP, Tracer)</i>					

Section II - Certification of Release From U.S. Customs and Border Protection

10. Port of Entry	11. Customs Entry or ID No.	12. Type of Entry	<input type="checkbox"/> Consumption	13. Date Released
		<input type="checkbox"/> Warehouse	<input type="checkbox"/> Informal	

14. I certify that the above articles were authorized for importation by the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, and were released from the custody of the U.S. Customs and Border Protection or were authorized to be removed from a Customs bonded warehouse or foreign trade zone.

Import Permit Number:

15. Signature of Customs and Border Protection Official	16. Title	17. Date
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Section III - Verification of Importation (completed by licensed and/or registered importers only)

18. I have examined the above shipment and found it to:

Contain the firearms, ammunition and/or implements of war in the exact quantity and as described in Item 9 above, or
 Contain the following discrepancies:

I declare under the penalties provided by law, that this verification of importation is true, correct and complete to the best of my knowledge and belief and that each firearm is marked and can be identified as required by 27 CFR Part 478.

19. Signature of Importer DIGITALLY SIGNED	20. Title or Status (Individual, member of firm; if officer of corporation, give title) SEAN R SULLIVAN	21. Date 03/25/2019
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OMB No. 1140-0007 (04/30/2013)

Permit Number 201804010

9. Shipment of Firearms, Ammunition and/or Implements of War

Line No	Number and Kinds of Packages <i>a</i>	Description (name of manufacturer, type of firearm, model, caliber, gauge or size, serial number, type of ammunition, e.g., ball, incendiary, wadcutter, etc.; for defense articles, the Category of the U.S. Munitions Import List in 27 CFR Part 447 to which they belong) <i>b</i>	Quantity Each Type <i>c</i>
1		HECKLER AND KOCH (GERMANY) SHORT BARREL RIFLE MR223A3 ; 5.56 MM ; I(A) ; Serial #: SEE OVERFLOW PAGE, ITEM *1	2
2		HECKLER AND KOCH (GERMANY) SHORT BARREL RIFLE MR223F-C ; 5.56 MM ; I(A) ; Serial #: SEE OVERFLOW PAGE, ITEM *2	2
3		HECKLER AND KOCH (GERMANY) SHORT BARREL RIFLE MR223F-S ; 5.56 MM ; I(A) ; Serial #: SEE OVERFLOW PAGE, ITEM *3	2
4		HECKLER AND KOCH (GERMANY) SHORT BARREL RIFLE MR308A3 ; 7.62 MM ; I(A) ; Serial #: SEE OVERFLOW PAGE, ITEM *4	2

15. On or about July 19, 2020, Sean SULLIVAN, on the behalf of Trident LLC, filed an ATF Form 6a, against the previously filed and approved Form 6 Trident Rifles LLC had filed in 2018, and assigned Permit #2018-04010. On the Form 6a, SULLIVAN declared that he had imported one HK G28 rifle, bearing serial number 144-006259, from B&T AG, located in Switzerland, and stated on the Form 6a that the firearm was not a Short Barreled Rifle (SBR), but was instead a standard rifle. According to correspondence with a HK USA representative, serial number 144-006259 is a serial number assigned to a HK MR308 rifle, and not a HK G28

rifle. The HK MR308 rifle, is a rifle manufactured by HK in Germany, and is designed as a semi-automatic rifle which fires a .308 caliber (7.62mm) round. According to United States import regulations, it is illegal to import a HK MR308 rifle without an exemption, such as that given for law enforcement or military demonstration and/or use. Unlike the firearms requested for importation in the July 11, 2018 ATF Form 6 under the law enforcement demonstration exemption, SULLIVAN received no such exemption to import the HK MR308 bearing serial number 144-006259.

16. Permit #2018-04010, no longer had an allowance for a HK MR308 rifle to be imported, but still had the allowance for one (1) HK G28 to be imported for the law enforcement demo on the behalf of Vickers Tactical, before it expired. Investigators believe SULLIVAN fraudulently used the import allocation for the remaining HK G28 rifle, as a cover for illegally importing a HK MR308 bearing serial number 144-006259. According to the HK website, the G28 rifle is the military version of the MR 308, and is, therefore, similar in design and appearance.

AMMUNITION AND IMPLEMENTS OF WAR

(See Instructions on Back)

Section I - Importation Information (Use a separate ATF Form 6A (5330.3C) to describe articles imported under each permit. Also, use a separate form for each shipment under the same permit.)

1. Name and Address of Importer TRIDENT LLC 2006 HUNTWOOD DR GAMBRILLS, MD 21054, UNITED STATES				2. Name and Address of Foreign Seller B&T AG PO BOX 174 THUN 3608, SWITZERLAND			
4. Federal License No. and/or AECA No. (If any) 8-52-003-11-2E-122558, A-94-108-0518				5. Country Where Manufactured (Required) GERMANY			
6. Import Permit No. (When importation authorized by permit) (Required) 201904010				7. Telephone No. (716) 536-4448			
8. Gross Value of Shipment (In U.S. dollars)							
9. Shipment of Firearms, Ammunition and/or Implements of War (For firearms, enter (SG)-Shotgun; (RD)-Rifle; (RE)-Revolver; (DD)-Destructive Device; (MG)-Machinegun; (SI) Silencer; Frame or Receiver)							
Name of Manufacturer a	Number and Kind of Packages b	Type c	Caliber Gauge or Size d	Quantity (Each type) e	U.S. Munitions Import List Category f	Model g	Serial No. h
HECKLER AND KOCH GERMANY	See overflow page for number and kind of packages	SBR	7.62 MM	1	I(A)	G28	144-006259
Implements of War							
Ammunition		(Ball, Incendiary, Wadcutter, Shot, AP, Tracer)					

Section II - Certification of Release From U.S. Customs and Border Protection

10. Port of Entry	11. Customs Entry or ID No.	12. Type of Entry	<input type="checkbox"/> Consumption	13. Date Released
			<input type="checkbox"/> Warehouse	<input type="checkbox"/> Informal

14. I certify that the above articles were authorized for importation by the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, and were released from the custody of the U.S. Customs and Border Protection or were authorized to be removed from a Customs bonded warehouse or foreign trade zone.

Import Permit Number:

15. Signature of Customs and Border Protection Official	16. Title	17. Date
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Section III - Verification of Importation (completed by licensed and/or registered importers only)

18. I have examined the above shipment and found it to:

Contain the firearms, ammunition and/or implements of war in the exact quantity and as described in Item 9 above, or
 Contain the following discrepancies:

I declare under the penalties provided by law, that this verification of importation is true, correct and complete to the best of my knowledge and belief and that each firearm is marked and can be identified as required by 27 CFR Part 478.

19. Signature of Importer DIGITALLY SIGNED	20. Title or Status (Individual, member of firm; if officer of corporation, give title) SEAN R SULLIVAN	21. Date 07/19/2020
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ATF Form 6A (5330.3C)
Revised August 2011

17. In October 2020, ATF investigators in Phoenix arrested Christopher FIORENTINO on federal charges of possessing a firearm not registered in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871. FIORENTINO'S cell phone was seized and searched pursuant to a federal

search warrant.⁶. As a result of that warrant, investigators uncovered a WhatsApp conversation between FIORENTINO and SULLIVAN. I know from my training and experience that WhatsApp is a messaging service that provides users with end to end encryption, which means that the content of the message cannot be seen by anyone aside from the users of the phones at either end of the conversation. Investigators observed from FIORENTINO's phone the following exchange between FIORENTINO and SULLIVAN, dated from July 15, 2020;

FIORENTINO: "Can you get another MR308? I have some interest from a client-we can both split the profits and probably make some decent coin".

SULLIVAN: "Let me see what I can dig up".

Investigators also observed a message sent from FIOENTINO to SULLIVAN on July 19, 2020, stating,

FIORENTINO: "Send me the invoice for:

14x Sig PE90

1x Sig 550-sniper

1x MR308 (highlighting supplied)

1x SFP9L OR

2x MR223 Barrel Group (credit 1)

1x P7 PSP (if you want to sell)

1x HK MP5 RAL8000 Trigger

MP5 Posters (No Charge)

2x B&T SP5K Stocks (No Charge)

⁶ US v. FIORENTINO, Search Warrant # SW2020-8301MB, signed by United States Magistrate Judge John Z. Boyle of the District of Arizona.

Questions: do you have any of the MR223 magazine around or any of the other HK parts imported”.

Investigators then recovered an invoice from the WhatsApp conversation, dated July 19, 2020.

The invoice was from Trident LLC, billed to Chris FIORENTINO, and showed shipment to Magnum Mike’s (Magnum Mike’s is a FFL located in Phoenix, AZ, that FIORENTINO frequently used). One of the items on the invoice is noted as “HK G28/MR308 S/N 144-006259” with an associated cost of \$6,675.00:

Trident, LLC
1121 Annapolis Rd Suite 198
Odenton, MD 21113 US
info@trident.llc
www.trident.llc



INVOICE

BILL TO	SHIP TO	INVOICE DATE	1228
Chris Fiorentino	Magnum Mike's	TERMS	07/19/2020
		DUE DATE	Due on receipt
			07/20/2020

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
BT-1	PE90P SN: 1540, 3008, 3394, 3958, 4248, 10776, 12582, 12736, 13086, 18044, 19246, 25621, 27641, 31012	14	4,000.00	56,000.00
BT-1	20 Rnd Magazines for PE90P	25	0.00	0.00
BT-1	Lot of PE90 Slings	1	0.00	0.00
BT-1	Case for PE90 w/ Accessories	1	0.00	0.00
BT-1	550/551Pistol w/ case and accessories SN: 130171	1	11,000.00	11,000.00
BT-1	Stocks for SIG 5XX Firearms	15	0.00	0.00
BT-1	SFP9L OR Case, manual, grips, 2 x magazines S/N: 239-002112	1	1,350.00	1,350.00
BT-1	Barrel MR223 11" S/N: 143-022141, 143-019495	2	1,250.00	2,500.00
Discount	MR308 Barrel Trade	1	-1,250.00	-1,250.00
BT-1	HK G28/MR308 S/N: 144-006259	1	6,675.00	6,675.00
BT-1	MP5 FDE Trigger Pack S/N: 62-467513	1	695.00	695.00
Freight		1	440.00	440.00

Wire/ACH Instructions:

18. ATF investigators in Phoenix took photographs of Magnum Mike's Acquisition and Disposition Book (A&D), a required book for all FFLs to document firearms received and disposed of by the FFL. The photographs of Magnum Mike's A&D book show an entry made on July 29, 2020 in which Magnum Mike's received and recorded a HK MR308 rifle bearing serial number 114-006259 from Trident LLC, which Magnum Mike's subsequently released to Chris FIORENTINO. Investigators also received a copy of the Report of Multiple Sales of Other Dispositions of Certain Rifles, as shown below, which shows on August 4, 2020, Magnum Mike's gave possession of the MR308 to Christopher FIORENTINO.

(Please complete all information)					
1. Date of Report 08-05-2020	2a. Federal Firearms Licensee (FFL) Number 9-86-013-07-3B-04163				
2b. Business or Trade Name and Address (If you have complete information available on a rubber stamp, please place information here.) MAGNUM MIKE'S 2606 W Townley Ave Suite #8 Phoenix, AZ 85021					
2c. Are any of the firearm(s) connected to another multiple sale? (If yes, specify date) (see instruction 2.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date _____					
2d. If you sold these firearms at a gun show or other qualifying event, identify the event and provide a complete address of the event.					
3. Rifles Sold or Otherwise Disposed of to the Same Unlicensed Person at One Time or During Any Five Consecutive Business Days					
Serial Number	Manufacturer	Importer	Model	Caliber	Disposition Date
11102225	MY GUNS	—	T3	7.62	08-04-20
5 USA 308	STC4 R	—	AUG	5.56	08-04-20
6 USA 226	STC4 R	—	AUG	5.56	08-04-20
114-006289	HK	—	MR308	308	08-04-20
130171	SL9	—	SG550	223	08-04-20
10776	SL9	—	PE90	223	08-04-20
4. Transferee's Name (Last, first, middle) FIORENTINO, CHRISTOPHER MICHAEL					
5. Residence Address (Number, street, city, county, state, zip code) —					

Per the WhatsApp conversation, FIORENTINO messaged SULLIVAN: "Nice Packaging, Everything arrived perfectly. Thx", on July 29, 2020.

19. ATF investigators believe that the firearm listed in Magnum Mike's A&D book as 114-006259, is actually the firearm discussed between FIORENTINO and SULLIVAN bearing serial number 144-006259. The HK USA representative contacted by investigators advised that HK does not have any records of a firearm bearing serial number 114-006259, which leads

investigators to conclude the serial number was entered incorrectly in the A&D book maintained by Magnum Mike's. Furthermore, the "114" prefix on the firearm corresponds to a handgun of a totally different model and caliber, rather than a .308 caliber rifle, further leading investigators to the conclusion that an employee at Magnum Mike's entered the incorrect serial number when documenting the transfer from Trident LLC/SULLIVAN to FIORENTINO.

20. According to an ATF Firearms Enforcement Officer, who is an expert in the area of firearms classifications and analysis, the HK MR308 is the semiautomatic version of the HK 417 machinegun. The HK MR308 as configured by HK when they export the firearms from Germany (as a rifle as opposed to a pistol), this firearm would not meet the required criteria to be imported into the United States. Consequently, it would be illegal to import the HK MR308 into the United States without an exemption for law enforcement or military use, or research and testing purposes.

21. Based on the foregoing, investigators believe that Sean SULLIVAN used his ownership of Trident LLC, and the import licenses that ownership afforded him, to make false statements and misrepresentations to the ATF on an ATF Form 6, and the subsequent ATF Form 6a, in order to illegally import a HK MR308 rifle bearing serial number 144-006259. Christopher FIORENTINO, who, it appears from the WhatsApp conversations referenced above, had lined up a buyer for the HK MR308 rifle bearing serial number 144-006259. Investigators believe SULLIVAN used a remaining firearms allocation on the approved ATF Form 6 – permit #2018-04010, to illegally import the HK MR308 in place of the HK G28 rifle, for purposes including financial gain. Furthermore, investigators know that SULLIVAN is knowledgeable regarding the laws and regulations surrounding importing firearms of all types, to include those

permissible only under an exemption, because he has imported hundreds of firearms and is well versed in what is legal and illegal.

III. CONCLUSION

22. Based on the foregoing information provided above, I believe that there exists probable cause to believe that the importation of a HK MR308 in the place of the sanctioned and approved HK G28 by Sean Reidpath SULLIVAN was unlawful and in violation of Title 18 U.S.C. § 922(l) and Title 18 U.S.C § 545.

23. Accordingly, based on the foregoing facts, I believe probable cause exists to support the issuance of a Criminal Complaint charging Sean Reidpath SULLIVAN with the unlawful importation of a firearm into the United States, in violation of Title 18 U.S.C. § 922(l) and knowingly and fraudulently importing a firearm into the United States in violation of Title 18 U.S.C § 545.

**JAMES
NUGENT**

 Digitally signed by JAMES
NUGENT
Date: 2021.03.24 11:32:59
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James A. Nugent
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 25th day of March, 2021.

A. David Copperthite
Honorable A. David Copperthite
United States Magistrate Judge